



# Maricopa County

## Environmental Services Department

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### SUBSTANTIVE POLICY STATEMENT SPS-QC-2019-002

A substantive policy statement (SPS) is advisory only. In accordance with A.R.S. §11-1601, SPS's do not include internal procedural documents that only affect internal procedures of the Maricopa Environmental Services Department (Department) and do not impose additional requirements or penalties on regulated parties or confidential information.

#### 1. **SPS Subject:**

The purpose of this SPS is to clarify what constitutes financial hardship associated with the waiver of fees as described in Maricopa County Environmental Health Code, Chapter I, Regulation 5(a). Nonprofit organizations and schools applying for fee waivers must meet all criteria including the demonstration of a financial hardship. Having a 501 (c) (3) tax exemption alone is insufficient.

#### 2. **Statutory Overview:**

Maricopa County Environmental Health Code (MCEHC)

#### 3. **SPS:**

##### **Chapter 1, Regulation 5(a) of the MCEHC states:**

- 1. A waiver of permit fees may be granted to the operator of a permitted establishment who demonstrates that payment of said fee will cause financial hardship.*
- 2. A waiver of fees associated with issuance of food employee certificates may be granted to the operator of a food establishment maintaining a current 501(c)(3) tax-exempt designation who demonstrates that payment of said fee will cause financial hardship to their volunteers.*
- 3. A waiver may be granted to current students, enrolled in a K-12 culinary arts school program whose sponsoring school district demonstrates that payment of a required food employee certificate will cause a financial hardship to their students.*

The term "financial hardship" is not defined in the Code, but generally means that the operator cannot pay the fee without being rendered unable to pay other necessary business expenses. All applicants shall answer the hardship question on the fee waiver application. Permitted organizations that merely state that, if the fee is paid, it would not be able to serve as many people or if they merely state they are a non-profit organization is insufficient to show financial hardship under the regulation. Payment of a fee may affect the number of persons obtaining services,

but that is not the test. The test is whether payment of the fee would place a financial hardship on the organization itself. Speculative hardship is also insufficient. Department staff may use this guidance to determine that financial hardship has not been proven. Sponsoring school districts or K-12 schools will provide written documentation, aka hardship letter, to the Department regarding how the permit fee will cause financial hardship to their students.

**4. SPS Effective Date**

10/28/2019

**5. SPS New Document/Revision Statement:**

SPS-QC-2019-002 is a new SPS.

**6. Contact Us:**

For questions or comments regarding this SPS or to obtain a copy of this document, please contact the Department Records Custodian.